

### Remarks

#### Status of the Claims

It is respectfully requested that the instant reissue application be amended as set forth above upon filing of the instant application, so as to cancel claims 11, 21, 22, and 35, to amend claims 1, 2, 9, 12, 16, 19, 23-27, 31, and 32, and to add claims 37-47. Thus, claims 1-10, 12-20, 23-34, and 36-47 are now pending.

In this corrected preliminary amendment, some corrections have also been made to claims to place them in better form for examination. For example, dependent claim 2, previously canceled, has now been included to provide proper antecedent basis for limitations recited in dependent claim 3. The limitations added to independent claim 1 have been canceled from dependent claim 2 and the dependencies of claims 3, 4, and 6-8 have been changed so they once again depend from claim 2. With regard to amended claims 27, 31, and 32, the phrase "plurality of orifices including a" has been added to provide proper antecedent basis for the "orifice" claim limitation. With regard to amended claims 31 and 32, the term "first" has been changed to "second" in section iii) of the second to last paragraph. This same change has also been made to newly presented claims 40 and 41. Newly presented claims 38 and 39 have been changed to add the term "square" in front of the limitation "inch" recited in paragraph e) of each claim.

#### Support for Claim Amendments and Newly Added Claims

Support for the limitations added to claims 1, 9, 16, 19, 23-27, 31, and 32, may be found, for example, and without limitation, at Figs. 2 and 7, col. 10, line 62 through col. 11, line 11, col. 12, lines 26-39, col. 17, line 22 through col. 18, line 3 of the patent, U.S. Patent 6,234,066 ("066 patent"). Support for new claims 37-47 may be found, for example and without limitation, at Figs. 2 and 7, col. 10, line 62 through col. 11, line 11, col. 12, lines 26-39, col. 17, line 22 through col. 18, line 3 of the patent.

Support for the limitations added to claims 1, 9, 16, 19, 23-27, 31, and 32 may also be found in the claims as originally filed at column 19, line 25 through column 24, line 27 of the '066 patent. The same is believed to be true for newly presented claims 37-47.

With regard to independent claim 1 as amended above, support for added claim limitations may be found, for example, in original dependent claim 2 of the '066 patent (*see, e.g.*, column 19, lines 41-54 of the '066 patent). Support for the added "perforate food product receiving chamber" claim limitation may also be found, for example, in Fig. 4 of the '066 patent, which shows perforations 68 in drum sidewall 54. With regard to the "liquid heat transfer medium" claim limitation, support can also be found at column 13, line 39 and column 14, lines 17-18 of the '066 patent. With regard to the added limitation requiring the food transport mechanism to rotate to urge food products, support can be found, for example, at column 7, lines 14-15 of the '066 patent. With regard to the "lengthwise direction" limitation, support can also be found, for example, at column 7, lines 36-40 of the '066 patent. With regard to the added "header [being] comprised of a plurality of pairs of spaced apart orifices" claim limitations, support can also be found at, for example, Figs. 1 and 2 and column 9, lines 46-47 of the '066 patent. With regard to the added "flow rate of at least 20 gallons per minute per foot of length of the header" claim limitations, support can also be found at, for example, column 4, lines 27-28 and column 11, lines 8-9 of the '066 patent. With regard to the claim limitations recited in paragraph d) added to claim 1, support can also be found, for example, in Figs. 1 and 2 (*e.g.*, orifices 94 and external longitudinally extending manifold 96), column 10, lines 18-26 (exiting quadrant), and column 12, lines 26-38 and lines 55-60 (exiting quadrant) of the '066 patent.

Claim 9 has been amended into independent form by adding some limitations previously found in original independent claim 1 of the '066 patent (*see, e.g.*, column 19, lines 25-40 of the '066 patent) and in original dependent claim 11 (presently canceled) of the '066 patent. In addition, with regard to the "disposed in the perforate food product receiving chamber" limitation added in claim 9, support can be found, for example, in Figs. 1-10 of the '066 patent which depict auger 48 located inside perforate drum 52. See also the remarks above with regard to support for limitations added to claim 1.

Since claim 11 has been canceled, claim 12 has been amended to change its dependency such that it now depends from independent claim 9.

Claims 16, 19, 23, 24-27, 31 and 32 have each been amended into independent form by adding some limitations previously recited in original claims 1 and 2 of the '066 patent (*see, e.g.*, column 19, lines 25-54 of the '066 patent). See also the remarks above with regard to support for limitations added to claims 1 and 9.

Independent claim 37 is a newly presented claim that recites limitations similar to those recited in original claims 1-5 and 21 of the '066 patent. However, claim 37 differs somewhat in that it recites "a removable cover overlying the tank" and does not require the header to be disposed outwardly of the food product receiving chamber.

Independent claim 38 is a newly presented claim that also recites limitations similar to those recited in original claims 1-5 and 21 of the '066 patent. However, claim 38 differs somewhat in that it recites "a removable cover overlying the tank," does not require, for example, the header to be disposed outwardly of the food product receiving chamber, and recites that "a gas is discharged into the food product receiving chamber at a pressure of 2 pounds per inch," in paragraph e). Support for paragraph e) of claim 38 can also be found, for example, at column 11, lines 19-21 of the '066 patent.

Independent claim 39 is a newly presented claim that also recites limitations similar to those recited in original claims 1-5 and 21 of the '066 patent. However, claim 39 differs somewhat in that it recites "a removable cover overlying the tank," does not require, for example, the header to be disposed outwardly of the food product receiving chamber, and recites in paragraph e) that vapor is "discharged into the food product receiving chamber at a rate of 20 pounds per hour and a pressure of 15 pounds per square inch." Support for the claim limitations recited in paragraph e) of claim 39 can also be found at, for example, column 11, lines 35-39 of the '066 patent.

Newly presented independent claim 40 recites limitations similar to those recited in original dependent claim 31 and independent claim 1 of the '066 patent but lacks, for example, the limitations recited in paragraph 5) of dependent claim 31. Newly presented independent

claim 40 also recites that the food product transport mechanism comprises "an auger having a plurality of pairs of axially spaced auger flights."

Newly presented independent claim 41 recites limitations similar to those recited in original dependent claim 32 and independent claim 1 of the '066 patent but lacks, for example, the limitations recited in the last paragraph of dependent claim 32.

Newly presented independent claim 42 recites limitations similar to those recited in original dependent claim 31 and independent claim 1 of the '066 patent except that it lacks the limitations recited in section iii) of the third paragraph of original claim 31, it lacks the limitations recited in section iii) of the fourth paragraph of original claim 31, and it lacks the limitations recited in the last paragraph of original claim 31.

Newly presented independent claim 43 is similar in scope to newly presented independent claim 41 but does not require a gas to be discharged through each of the orifices of the first bank of the orifices in the second to last paragraph of claim 41 and does not require a liquid to be discharged through each of the orifices of the first bank of orifices in the very last paragraph of claim 41.

Newly presented claim 44 recites limitations similar to those recited in original dependent claim 9, dependent claim 11, and independent claim 1 of the '066 patent. However, newly presented claim 44 does not, for example, require any auger flight to include a "direct-contact mechanical agitation device" as recited in original claim 9 of the '066 patent.

Newly presented independent claim 45 recites limitations similar to those recited in original dependent claim 23 and independent claim 1 of the '066 patent. However, newly presented claim 45 does not, for example, require any auger flight to include a "direct-contact mechanical agitation device" as recited in original claim 23 of the '066 patent.

Newly presented independent claim 46 recites limitations similar to those recited in original dependent claim 24 and independent claim 1 of the '066 patent. However, newly presented claim 46 does not, for example, require any auger flight to include a "direct-contact mechanical agitation device" as recited in original claim 24 of the '066 patent.

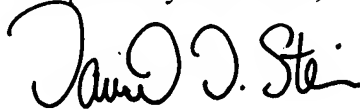
Newly presented independent claim 47 recites limitations similar to those recited in original dependent claim 25 and independent claim 1 of the '066 patent. However, newly presented claim 47 does not, for example, require any auger flight to include a "direct-contact mechanical agitation device" as recited in original claim 25 of the '066 patent.

Conclusion

The Commissioner is also hereby authorized to charge payment of any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-1170.

The Examiner is invited to contact the undersigned by telephone or e-mail if it would help expedite matters.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "David D. Stein". The signature is fluid and cursive, with the first name "David" and last name "Stein" clearly distinguishable.

David D. Stein  
Registration No. 40,828

Boyle, Fredrickson, Newholm,  
Stein & Gratz, S.C.  
250 E. Wisconsin Ave., Ste. 1030  
Milwaukee, WI 53202  
Telephone: (414) 225-9755  
Fax: (414) 225-9753  
e-mail: dds@boylefred.com

Customer No.: 23598